

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police
(Amendment)

502 KAR 45:035. Application and selection process.

RELATES TO: KRS 16.040, 16.050(7), 16.080(1)

STATUTORY AUTHORITY: KRS 16.040, 16.050(7), 16.080(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 16.040, 16.050(7) and 16.080(1) grant the Commissioner of the Kentucky State Police the authority to establish criteria for the appointment of department officers. This administrative regulation establishes eligibility requirements for applicants and the application forms ~~[form]~~ to be submitted by applicants.

Section 1. Eligibility Requirements for Testing. An applicant shall be eligible to take the aptitude~~[written]~~ examination established by 502 KAR 45:045 and ~~[if otherwise eligible,]~~ the Physical Fitness~~[Content Based Task]~~ Test established by 502 KAR 45:150 and the ~~[oral]~~ interview established by 502 KAR 45:055 if the applicant:

- (1) Meets the requirements established by KRS 16.040(2)(b), (c) and (d);
- (2) Is at least twenty-one (21) years of age; and
- (3) Possesses a valid driver's license against which not more than six (6) points are currently assessed.

Section 2. Application. (1) To apply for employment, an [An] applicant shall complete "Kentucky State Police - Cadet Trooper Application for Employment" form.

(2) An applicant may submit ~~[shall type or print legibly in ink the information requested on]~~ the "Kentucky State Police - Cadet Trooper Application for Employment" form in paper or electronic form.

Section 3. Documents Submitted with Application. An applicant shall submit ~~[attach]~~ the following documents with his or her application, in paper or electronic form:

- (1) A certified copy of the applicant's birth certificate and operator's license; and
- (2) A certified copy of college or university transcripts, if applicable; or
- (3) A certified copy of the applicant's high school diploma or GED certificate and any other additional materials, determined by the commissioner, and as described in this Chapter, as necessary to establish the educational or experience qualifications of KRS 16.040(2)(d).

Section 4. Law Enforcement Accelerated Program (LEAP). (1) The commissioner may conduct an accelerated academy.

(2) A LEAP applicant shall submit the following documents with his or her application, in paper or electronic form:

- (a) A completed "Kentucky State Police - Cadet Trooper Application" form,
- (b) A copy of his or her Kentucky POPS certificate, and
- (c) A completed "Kentucky State Police Three Years Work Experience Verification" form.
- (3) The applicant shall undergo an interview with the Post Commander nearest the applicant's home address.

(4) The applicant shall not be subject to an existing employment contract, including any employment contract authorized under Chapter 70 of the Kentucky Revised Statutes~~[If an applicant has had at least two (2) years experience in law enforcement:~~

- ~~(a) A certified copy of the applicant's high school diploma or GED certificate; and~~

- ~~(b) A notarized letter from his law enforcement employer, stating:~~
- ~~1. Whether the applicant was a full-time, sworn officer; and~~
 - ~~2. The period during which the applicant was employed.~~
- ~~(4) If an applicant has had at least two (2) years' active duty experience in the military, a copy of the applicant's:~~
- ~~(a) DD214, or a notarized letter from the applicant's commanding officer verifying the applicant's length of service; and~~
 - ~~(b) A certified copy of the applicant's high school diploma or GED certificate].~~

~~Section 4. Filing of Application. (1) An applicant may mail or submit his application to the Kentucky State Police Recruitment Office, 919 Versailles Road, Frankfort, Kentucky 40601.~~

~~(2) An applicant may make an appointment to submit his application at the nearest state police post or driver testing station in Louisville or Lexington.~~

~~(3) When an application is filed, an applicant shall choose a date and time to report for the written examination from the list of examinations furnished by the department pursuant to 502 KAR 45:045.~~

~~(4) If an applicant is not selected to participate in a phase of the selection process established by 502 KAR Chapter 45, he shall not reapply for a twelve (12) month period following the date upon which he first took the written examination.]~~

Section 5. Not Recommended. If an applicant has not been recommended by two (2) previous background investigations, the applicant shall be required to appeal, in writing, to the State Police Personnel Board for approval to reapply.

Section 6. Incorporation by Reference. (1) KSP Form 4, "Kentucky State Police - Cadet Trooper Application for Employment" [02-97], 2019 edition, is incorporated by reference.

(2) KSP Form 004a, "Kentucky State Police Three (3) Years Work Experience Verification Form", 2019 edition, is incorporated by reference.

(3) It may be inspected, copied, or obtained at the Department of State Police, Recruitment Branch[Office], 919 Versailles Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., and on the agency Web site at kentuckystatepolice.org.

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 26, 2021 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 2:00 p.m. on November 23, 2021 at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegContact@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes eligibility requirements for those applying to become state police officers, and similarly establishes the application form to be submitted by such applicants.

(b) The necessity of this administrative regulation: This regulation is necessary in order to properly inform applicants of the requirements that must be met in order to successfully apply to be state police officers.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation conforms to the authorizing statute as it serves to confirm the applicant's suitability for employment as an officer.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation will continue to assist the department in conducting the application and selection process in a uniform manner.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment clarifies the application process by inserting the appropriate language and terms that are now used by state police officers charged with administering the application and selection process.

(b) The necessity of the amendment to this administrative regulation: The amendment of the regulation is necessary to accurately reflect the application and selection process to become a law enforcement officer.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment continues to conform to the authorizing statute by working to confirm and ensure that selected applicants are suitable for employment as law enforcement officers.

(d) How the amendment will assist in the effective administration of the statutes: The amendment reflects the current procedures used by the state police, and updates the testing methodologies that are used.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky State Police, Kentucky State Police staff who assist in processing applications, and applicants who wish to become state police.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: The regulated entities must now comply with the requisite testing listed within the amendment, as the prior language did not accurately reflect the testing that was done.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing.

(c) As a result of compliance, what benefits will accrue to the entities: The application and selection process is now more defined, as it reflects the testing and requirements implemented by the agency.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Nothing.

(b) On a continuing basis: Nothing.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment of this regulation does not establish any new fees or increase any current fees, directly or indirectly.

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky State Police, Kentucky State Police staff who assist in processing applications, and applicants who wish to become state police.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 16.040, 16.050(7), 16.080(1)

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Nothing.

(d) How much will it cost to administer this program for subsequent years? Nothing.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation: None.